

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ROBERT ALAN ROGINSKY,

4 Plaintiff

Case No. 2:19-cv-01381-KJD-DJA

ORDER

5 v.

6 NEVADA DEPARTMENT OF PUBLIC
7 SAFETY, *et al.*,

8 Defendants

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10 **I. DISCUSSION**

11 On August 9, 2019, Plaintiff, who is now an inmate in the custody of the
12 Clark County Detention Center ("CCDC"), submitted a civil rights complaint under 42
13 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1).
14 Plaintiff's application to proceed *in forma pauperis* is incomplete. Under 28 U.S.C. §
15 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in*
16 *forma pauperis* and attach both an inmate account statement for the past six months and
17 a properly executed financial certificate. Plaintiff has not submitted a properly executed
18 financial certificate. (See ECF No. 1). As such, the *in forma pauperis* application is
19 denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-
20 1) but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff
21 will be granted an opportunity to cure the deficiencies of his application to proceed *in*
22 *forma pauperis* by filing a fully complete application to proceed *in forma pauperis*, or in
23 the alternative, pay the full \$400 filing fee for this action. If Plaintiff chooses to file an
24 application to proceed *in forma pauperis*, he must file a fully complete application to
25 proceed in forma pauperis, including both an inmate account statement for the past six
26 months and a properly executed financial certificate.

27 **II. CONCLUSION**

28 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
in forma pauperis (ECF No. 1) is DENIED without prejudice to file a new application.

1 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
2 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
3 document entitled information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
5 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
6 the correct form with complete financial attachments, including both an inmate account
7 statement for the past six months and a properly executed financial certificate, in
8 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
9 (which includes the \$350 filing fee and the \$50 administrative fee).

10 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
11 dismissal of this action may result.

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
13 (ECF No. 1-1) but will not file it at this time.

14 DATED this 23rd day of October, 2019.

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16 UNITED STATES MAGISTRATE JUDGE
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